

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

September 22, 2008

MISC. ORDER 2008-012

BY THE COURT:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on September 26, 2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

C056364 THE PEOPLE v. RICHARD BRYAN BROWN

Cause called. Meredith J. Watts, court appointed counsel, argued for appellant. Angelo S. Edralin, Deputy attorney General, argued for respondent. Cause submitted.

At 9:51 a.m., the court recessed. At 9:51 a.m., the court reconvened.

C056200 WALLIS v. PHL ASSOCIATES, INC. et al.; WALLIS et al.; MENDOZA

Cause called. Andrew W. Stroud argued and Kelcie M. Gosling appeared only for cross appellants. Tory E. Griffin argued for cross respondents. Klaus J. Kolb argued for respondents Wichman et al. Cause submitted.

At 10:47 a.m., the court recessed. At 10:53 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

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Court Minutes

September 22, 2008, Continued

C055871 DOUMIT v. McGLAMERY et al.

Cause called. Amanda Uhrhammer argued for appellant. Leslie Mitchell argued for respondent. Cause submitted.

At 11:24 a.m., the court recessed. At 11:25 a.m., the court reconvened.

C054685 THE PEOPLE v. RODERICK BRIAN RANDALL

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant. Dawn S. Mortazavi, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:45 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Robie, Associate Justice.

C054676 THE PEOPLE v. KENNETH RUSHING

Cause called. Patricia J. Ulibarri, court appointed counsel, argued for appellant. Maggy Krell, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:29 p.m., the court recessed. At 2:29 p.m., the court reconvened.

C055336 THE PEOPLE v. DAN W. REYNOLDS

Cause called. Eric Weaver argued for appellant. R. Todd Marshall, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:57 p.m., the court recessed. At 3:02 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C054933 LYNCH v. HERTZIG et al.

Cause called. Timothy W. Pemberton argued for appellant. Kenneth M. Foley argued for respondent. Cause submitted.

At 3:23 p.m., the court recessed until 9:30 a.m., Monday, October 20, 2008.

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Court Minutes

September 23, 2008, Continued

**C057746 In re ANTHONY H. et al; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v.
ROSEMARY G.**

The orders of the juvenile court are affirmed.

MORRISON, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

**C057952 In re ALEX K.; ELIAS FERNANDEZ, JR. (Not For Publication)
v. ALEX K.**

The order requiring Alex K. to pay victim restitution in the amount of \$1,400 is reversed and the matter is remanded to the juvenile court for a new restitution hearing.

CANTIL-SAKUYE, J.

We Concur: Davis, Acting P.J.

Nicholson, J.

**C058693 In re G.H.; EL DORADO COUNTY (Not For Publication)
DEPARTMENT OF HUMAN SERVICES
v. LORI H.**

The orders terminating parental rights are reversed and the matter is remanded for the limited purpose of determining whether the department has complied with the inquiry and notice provisions of the ICWA and whether the ICWA applies in this case. If, after proper inquiry, the juvenile court determines that the tribes were properly noticed with all available information and there either was no response or the tribe (s) determined that the minor was not an Indian child, the juvenile court is ordered to conduct a new section 366.26 hearing in conformance with all provisions of the ICWA.

ROBIE, J.

We Concur: Morrison, Acting P.J.

Cantil-Sakauye, J.

**C053705 THE PEOPLE v. MICHAEL GEORGE ROBERTS
BY THE COURT:**

Respondent's petition for rehearing is granted.

NICHOLSON, Acting P.J.

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STATE OF CALIFORNIA
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Court Minutes

September 24, 2008

- C054687 THE PEOPLE v. NATHANIEL POPE (Not For Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Robie, J.
- C056775 THE PEOPLE v. (Not For Publication)**
WILLIAM BOYD STOKES
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C055122 WOOD et al. v. HOCK et al. (Not For Publication)**
The judgment is affirmed. Each party shall pay its own costs on appeal
and cross-appeal.
DAVIS, J.
We Concur: Scotland, P.J.
Robie, J.

September 25, 2008

- C052868 THE PEOPLE v. ALFRED MARTINEZ (Not For Publication)**
The judgment is affirmed. The clerk of the trial court is ordered to prepare
and file an amended abstract of judgment noting all sentence terms are
consecutive and full, and to file the amended abstract with the Department of
Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C054972 THE PEOPLE v. (Certified For Publication)**
SANTOS NIETO ZEPEDA
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.

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Court Minutes

September 25, 2008, Continued

**C058160 THE PEOPLE v. (Not For Publication)
CHRISTOPHER LEE KEEHL**

The judgment is affirmed.

DAVIS, J.

We Concur: Scotland, P.J.

Blease, J.

**C055840 ANWYL, SCOFFIELD & STEPP v. (Not For Publication)
BLACKHURST**

The order striking Blackhurst's cross-complaint is affirmed. The parties shall bear their own costs on appeal. ...

SCOTLAND, P.J.

We Concur: Davis, J.

Robie, J.

**C057640 In re TOMMY H.; MARK B. v. TEHAMA COUNTY DEPARTMENT OF SOCIAL
SERVICES; TOMMY H.**

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

September 26, 2008

There are no minutes for this date.